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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
DUNCAN, MARC M	

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,632	KOSUGI ET AL.	
	Examiner	Art Unit	
	Marc Duncan	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *4-9,12-17 and 19-22* is/are allowed.

6)☒ Claim(s) *1-3,10,11 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL REJECTION

Status of the Claims

Claims 1-3 and 10-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. in view of Yen.

Claims 2, 3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. and Yen as applied to claim 1 above and further in view of applicant's admitted prior art (AAPA).

Claims 4-9, 12-17 and 19-22 are allowed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 and 10-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 10 recite an independent power supply that is present to supply power to the trouble monitoring unit and the integrated management panel board, respectively. The Examiner was unable to find any support for these limitations in the specification. Contrary to applicant's assertion that support is found on pages 20 and 21, as stated in the remarks, the specification teaches an independent power supply to power the server support board. The server support board is not the same as the integrated management panel board. Neither is the trouble monitoring unit contained on the server support board. The trouble monitoring unit is a part of the integrated management panel board. Thus, the current amendment to claims 1 and 10 lacks enablement. Claims 2-3 and 11 depend from claims 1 and 10 respectively, and therefore include all limitations of claims 1 and 10. The examiner has chosen to apply art to claims as if the limitation lacking enablement were not present.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. in view of Yen.

Regarding claim 1:

Klein teaches a start processing unit which conducts a start processing, and then starts an application when power of an apparatus system is turned on in Fig. 1 "107" and "110." The start processing unit further inherently includes a BIOS. While not pictured in Figure 1, a BIOS is an integral part of the startup system of any computer.

Klein teaches a trouble monitoring unit which controls the power of the apparatus system, and integrally monitors a trouble of said start processing unit and a trouble during system operation in Fig. 1 and col. 3 line 47-col. 4 line 32. The trouble monitoring unit is represented by the numerous monitors and interfaces pictured in Figure 1 and described in the cited columns and lines.

Klein teaches a trouble notification unit that acquires information stored, and notifies an external remote maintenance system of the information through a network interface if said trouble monitoring unit detects a trouble of said start processing unit in Fig. 4 and col. 7 line 38-col. 8 line 47. The trouble notification unit is represented by network subsystem 400, pictured in Figure 4 and described in the cited columns and lines. The network subsystem performs the functions of information through a network interface to a remote maintenance system when the management processor receives a report of a crash through the management bus.

Klein does not explicitly teach the information that is sent across the network being log information stored in the start processing unit. Klein does, however, teach sending information across the network in order to notify a failure of the start processing unit.

Yen teaches a log stored in a start processing unit that contains information about errors of the start processing unit in col. 7 lines 3-12.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine log of Yen with the information of Klein.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because Klein teaches sending information to notify a failure of the start processing unit so that the failure can be handled by the proper authorities. Yen teaches that by keeping and utilizing a log, the authorities that are notified of the error can further be notified of the startup procedure at which the failure occurred and the possible reasons why the failure occurred, thereby enhancing the notification message of Klein.

Regarding claim 18:

Klein teaches a start processing operation of conducting a start processing, and then starting an application when power of a computer system is turned on in col. 7 lines 13-15.

Klein teaches a trouble monitoring operation of controlling the power of the computer system, and integrally monitoring a trouble of said start processing unit in col. 4 lines 41-42 and col. 7 lines 5-7.

Klein teaches a trouble notification operation of acquiring information, and notifying an external remote maintenance system of the information through a network interface irrespective of the presence of power supply from said power supply controlled by said trouble monitoring step if the trouble of said start processing unit is detected in said trouble monitoring operation occurring during a period from a turn-on of a system power supply, through activation, to a start-up of the application in col. 4 lines 14-20 and col. 7 line 38-col. 8 line 47. The trouble notification unit is represented by network subsystem 400, pictured in Figure 4 and described in the cited columns and lines. The network subsystem performs the functions of outputting information through a network interface to a remote maintenance system when the management processor receives a report of a crash through the management bus.

Klein does not explicitly teach the information that is sent across the network being log information stored in the start processing unit. Klein does, however, teach sending information across the network in order to notify a failure of the start processing unit.

Yen teaches a log stored in a start processing unit that contains information about errors of the start processing unit in col. 7 lines 3-12.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine log of Yen with the information of Klein.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because Klein teaches sending information to notify a failure of the start processing unit so that the failure can be handled by the proper authorities. Yen teaches that by keeping and utilizing a log, the authorities that are notified of the error can further be notified of the startup procedure at which the failure occurred and the possible reasons why the failure occurred, thereby enhancing the notification message of Klein.

Regarding claim 23:

Klein teaches a server performing startup processing comprising power on processing, diagnostic processing, boot-up processing and application start processing and stopping when start-up processing fails in col. 2 lines 56-59 and col. 7 lines 5-31.

Klein teaches a monitoring system monitoring the start-up processing and sending a message over a network indicating start-up processing failure while the server is stopped due to start-up processing failure in col. 2 lines 56-59 and col. 7 lines 5-31.

Klein does not explicitly teach storing a log of events during start-up processing in a memory and including the log stored in memory with the network message being sent. Klein does, however, teach sending information across the network to notify the failure of start-up processing.

Yen teaches a log stored in a start processing unit that contains information about errors of the start processing unit in col. 7 lines 3-12.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine log of Yen with the information of Klein.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because Klein teaches sending information to notify a failure of the start processing unit so that the failure can be handled by the proper authorities. Yen teaches that by keeping and utilizing a log, the authorities that are notified of the error can further be notified of the startup procedure at which the failure occurred and the possible reasons why the failure occurred, thereby enhancing the notification message of Klein.

Claims 2, 3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. and Yen as applied to claim 1 above and further in view of applicant's admitted prior art (AAPA).

Regarding claim 2:

The teachings of Klein are outlined above. Klein further teaches wherein said start processing unit is provided on a baseboard in Fig. 1. Klein also teaches said trouble notification unit is provided on a system management support board in Fig. 4. Klein teaches the system management support board comprising a dedicated power unit constantly supplied with power in Fig. 4. Klein further teaches the network interface connecting said remote maintenance system in Fig. 4.

Klein does not explicitly teach said trouble monitoring unit is provided on an integrated management panel board. Klein does, however, teach a trouble monitoring

unit, represented by a multitude of interfaces and sensors that monitor errors occurring in the computer system.

AAPA teaches said trouble monitoring unit is provided on an integrated management panel board on page 1 line 20-page 2 line 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the integrated management panel board of AAPA with the trouble monitoring unit of Klein.

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because it is disclosed by applicant that it was conventional in the art at the time of invention to provide the function of the trouble monitoring unit of Klein on an integrated management panel board because without said IMP board, system management is insufficient and non-standardized.

Regarding claim 3:

Klein teaches wherein said system management support board is an interface board connected to an interface provided on the baseboard of the apparatus system in Fig. 1, Fig. 4 and col. 2 lines 41-42.

Regarding claim 10:

The teachings of Klein are outlined above.

Klein also teaches the trouble notification unit receiving trouble information from a time the power of the system is turned on until a start processing is conducted and an

application is started. This limitation is inherent to the Klein reference. Klein teaches monitoring for errors while the system is turned on, which inherently includes the time from power on until an application is started.

Klein does not explicitly teach an integrated management panel board for monitoring a trouble of the apparatus system. Klein does, however, teach a trouble monitoring unit for monitoring any trouble of the apparatus system.

AAPA teaches an integrated management panel board on page 1 line 20-page 2 line 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the integrated management panel board of AAPA with the trouble monitoring unit of Klein.

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because it is disclosed by applicant that it was conventional in the art at the time of invention to provide the function of the trouble monitoring unit of Klein on an integrated management panel board because without said IMP board, system management is insufficient and non-standardized.

Regarding claim 11:

Klein teaches wherein said power supply unit, said board interface, said network interface and said trouble notification unit are provided on an interface board connected to an interface provided on a baseboard of the apparatus system in Fig. 4.

Response to Arguments

Applicant's arguments filed 7/27/05 have been fully considered but they are not persuasive.

Regarding applicant's arguments concerning claim 1, the arguments are moot in view of the new ground of rejection under 35 USC 112, first paragraph.

Regarding applicant's arguments concerning claim 18, the examiner respectfully disagrees. In the previously cited columns and lines Klein clearly teaches a battery backup for the trouble notification unit and thus clearly teaches sending information irrespective of the presence of a power supply from the power supply controlled by the trouble monitoring step. Thus, the present amendment did not amend around the previously cited art.

Regarding applicant's arguments concerning claim 10, the arguments are moot in view of the new ground of rejection under 35 USC 112, first paragraph.

Regarding applicant's arguments concerning claims 2, 3 and 11, the examiner respectfully disagrees. Claims 1 and 10 were not found allowable and thus claims 2, 3 and 11, which depend from claims 1 and 10 are not considered allowable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100